

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

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MANUFACTURERS AND TRADERS TRUST
COMPANY ALSO KNOWN AS M&T BANK
SUCCESSOR BY MERGER TO HUDSON CITY
SAVINGS BANK, FSB

In Re:
Fernando Diaz, Patricia Diaz,

Debtors.



Order Filed on June 4, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-15233 RG

Chapter 13

Hearing Date: 6/6/18 @ 10:30 a.m.

Judge: Rosemary Gambardella

ORDER RESOLVING MOTION FOR RELIEF FROM STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: June 4, 2018

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Debtors: Fernando Diaz, Patricia Diaz

Case No: 16-15233 RG

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, MANUFACTURERS AND TRADERS TRUST COMPANY ALSO KNOWN AS M&T BANK SUCCESSOR BY MERGER TO HUDSON CITY SAVINGS BANK, FSB, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay as to real property located at 149 Brighton Avenue Belleville NJ 07109, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Benjamin Jamie Ginter, Esq., attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of May 18, 2018, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments May 2018 with \$111.92 in suspense for a total post-petition default of \$3,818.42 (1 @ 3,930.34, less suspense \$111.92) and

It is further **ORDERED, ADJUDGED and DECREED** that Debtor is to send a lump sum payment of \$3,818.42 directly to Secured Creditor to be received no later than May 31, 2018; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume June 1, 2018, directly to Secured Creditor care of its servicer, Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

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Debtors: Fernando Diaz, Patricia Diaz

Case No: 16-15233 RG

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Fernando Diaz
Patricia Diaz
Debtors

Case No. 16-15233-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 05, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 07, 2018.

db/jdb +Fernando Diaz, Patricia Diaz, 149 Brighton Ave, Belleville, NJ 07109-3510

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 07, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 5, 2018 at the address(es) listed below:

Benjamin Jamie Ginter on behalf of Joint Debtor Patricia Diaz gintr316@aol.com
Benjamin Jamie Ginter on behalf of Debtor Fernando Diaz gintr316@aol.com
Denise E. Carlon on behalf of Creditor MANUFACTURERS AND TRADERS TRUST COMPANY et al ...
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor M&T Bank et al dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com

TOTAL: 5